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Paper No. 11

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OFFICE OF PETITIONS

In re Application of
Howard Hong-Dough Lee
Application No. 10/016,011
Filed: December 17, 2001
Attorney Docket No.

DECISION ON
PETITION

This is a decision on the petition under 37 CFR 1.181(a) filed April 27, 2004.

The petition is **granted**.

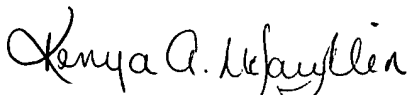
This application became abandoned for failure to file a timely reply to the non-final Office action mailed August 19, 2003. The Notice set forth an extendable statutory period for reply of three months from its mailing date. Accordingly, this application became abandoned on November 20, 2003. A Notice of Abandonment was mailed April 9, 2004.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned, at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions